REMARKS

Claims 1 – 7 and 15 – 17 are in the application. Claims 1, 15, and 16 are currently amended; claims 8 – 14 have been canceled; and claims 2 – 17 and 17 were previously presented. Claims 1, 15, and 16 are the independent claims herein. No new matter has been added to the application as a result of the amendments submitted herewith.

Reconsideration and further examination are respectfully requested.

Claim Rejections – 35 USC § 112

Claims 1 – 7 and 15 – 17 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

In reply thereto, Applicant has amended claims 1, 15, and 16 to replace the previous "'identity oriented context system" and "device oriented context system" with the current –identity oriented context application – and -- device oriented context application –, respectively. Additional amendments have been made to claims 1, 15, and 16 to further clarify that which is claimed as the invention by Applicant.

Support for the current claim amendments is provided in the Specification at paragraphs [0019], [0029], and [0030], as well as FIGS. 1 – 3.

Accordingly, Applicant respectfully submits that claims 1, 15, and 16 overcome the rejection thereof under 35 USC 112, first paragraph. Applicant further submits that the remaining claims depending from claims 1, 15, and 16 also overcome the rejection under 35 USC 112, first paragraph. Applicant therefore requests the reconsideration and withdrawal of the rejection of claims 1 – 7 and 15 – 17 under 35 USC 112, first paragraph.

Claim Rejections – 35 USC § 102

Claims 1 – 7 and 15 – 17 were rejected under 35 U.S.C. 102(b) as being anticipated by Diacakis et al. U.S. Publication No. 2002/0116336, hereinafter "Diacakis". Claims 15 and 16 were each rejected with the same rationale given for claim 1. These rejections are traversed.

Regarding the rejection of claim 1, Applicant notes that claim 1 relates to, in part, interfacing an identity oriented context application that represents a context of an identity based on an availability of the identity with a device oriented context application that represents the context of the identity based on an availability of a device associated with the identity. Clearly, Applicant claims an identity oriented context application that represents a context of an identity based on an availability of the identity and a device oriented context application that represents the context of the identity based on an availability of a device associated with the identity.

Applicant respectfully notes that claims 15 and 16 are worded similar to claim 1 regarding the claimed identity oriented context application and the device oriented context application.

Thus, each of Applicant's independent claims recite an identity oriented context application and a device oriented context application.

Applicant respectfully submits that the cited and relied upon Diacakis does not disclose or suggest, at least, the claimed device oriented context application, and mapping the identity context to the device context.

Applicant respectfully submits that the cited and relied upon Diacakis discloses a presence and availability management system that relies on, at most, a identity oriented context application. This is true since Diacakis is fundamentally concerned with determining the availability of an "individual". The disclosed individual refers to a user (i.e., a person). Diacakis discloses,

> [0026] As used herein, the term "presence" is defined as the ability of an individual to access a particular communications network. For example, if a person is near a landline telephone or wireless telephone that is switched on, that person is "present" on a telephone network, i.e., the person is able to use the telephone network to communicate with other people also on the network. Conversely, if a person is not near a landline telephone or wireless telephone, or the wireless telephone is switched off, then that person is not present on a telephone network, and thus unable to communicate with others on the telephone network. Similarly, if a person uses an instant messaging (IM) application at a given point in time, the person is present on that instant messaging network.
>
> [0027] In addition, as used herein the term "availability" is defined as the willingness of an individual who is present on one or more communications networks to be reached by one or more persons. Following the telephone network example above, if a person is near a landline or wireless telephone and has the intention or willingness to answer the phone when a particular person calls, the person is not only present but available on the telephone network. However, if the person is unwilling or unable to answer either phone when it rings, although present, the person is not available.

Diacakis also discloses,

> The presence detection engine 18 may detect a change in the individual's situation, as described further hereinafter, or the individual may communicate the change to the management server 12 directly. (See Diacakis, paragraph [0034], ln. 14 - 17)

and

> [0038] FIG. 4 is a diagram of the P&A management server 12 according to one embodiment of the present invention. As illustrated in FIG. 4, the server 12 includes a presence detection engine 18 and an availability management engine 20. The presence detection engine 18 may determine an individual's presence upon particular networks based on various inputs, as described further hereinbelow. The presence detection engine 18 may transmit the presence information to the availability management engine 20, which in turn may determine the individual's availability based on the presence information as well as additional information, such as the individual's situation and defined rules and preferences. The determined availability information may then be transmitted to subscribers of the individual's availability information via the network 16, as described previously.

Therefore, the disclosed presence engine 18 relates to the context of an individual.

Regarding the cited and relied upon Diacakis FIG. 4, Diacakis discloses, "the presence detection engine 18 may receive various inputs to determine, to the extent possible, the individual's presence. One type of input that the presence detection engine 18 may use to help determine the individual's presence is time-based input 40". (see Diacakis, paragraph [0040]). Thus, it is explicitly clear that Diacakis discloses an identity oriented context application or system.

Furthermore, Diacakis discloses, "[T]he presence information ascertained by the presence detection engine 18 is communicated to availability management engine 20, which determines the individual's availability based thereon." (See Diacakis, paragraph [0046]).

Thus, both the presence detection engine 18 and the availability management engine 20 relate to the availability of an individual. No availability of a device is determined by Diacakis. That is, Diacakis fails to disclose or even suggest the claimed device oriented context application. For example, each of the examples discussed in paragraphs [0040] – [0044] relates to determining the presence of the individual. Even when the individual is on or using a network or device, Diacakis determines the availability of the "individual" on the network or device, not the availability of the network or device itself.

Applicant notes the Office Action states, the "presence detection engine [is] interpreted as device oriented context system [since] it determines [the] user's presence on particular devices". (See OA, page 3, paragraph 8) Applicant notes that the disclosed presence detection engine is clearly and explicitly an identity oriented context application/system by Diacakis' own definition, as discussed hereinabove. Further, the Office Action admits that the "availability management engine" is interpreted as an identity oriented context system. Applicant again submits that both Diacakis' presence detection engine and availability management engine operate in combination to form an identity oriented context system.

Applicant respectfully submits that claims 1, 15, and 16 are not anticipated by Diacakis. Applicant further submits that claims 2 – 7 and 17 are patentable over Diacakis for depending from an allowable base claim.

Therefore, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1– 7 and 15 – 17 under 35 USC 102.

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (408) 492-5336.

Respectfully submitted,

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